

CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Ward 3

AM 2020-089

ORDINANCE TO ACCEPT PUBLIC RIGHT OF WAY FROM KURT W. CONNER FAMILY TRUST AND FORT LUPTON FIRE PROTECTION DISTRICT OF 699 LINEAL FEET OF 20-FEET WIDE ALONG THE NORTH SIDE OF 9TH STREET

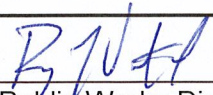
I. Agenda Date: Council Meeting – April 21, 2020

II. Attachments: a. Ordinance 2020-10XX
b. Dedication of ROW

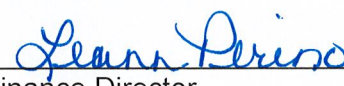
III. Summary Statement:

To accept the dedication of a 20-foot wide public Right of Way located north of the centerline of 9th Street approximately 699.57-feet along the frontage of the Conner Trust - Fort Lupton Fire Protection District Minor Subdivision Plat, located in the Southwest Quarter of Section 33, Township 2 North, Range 66 West of the 6th Principal Meridian from Kurt W. Conner Family Trust.

IV. Submitted by:


Public Works Director

V. Finance Reviewed


Finance Director

VI. Approved for Presentation:


City Administrator

VII. Attorney Reviewed

Approved

Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

The Conner Trust - Fort Lupton Fire Protection District Minor Subdivision Plat (Case LUP2020-0002 and MSD2020-0001) is required to dedicate Right of Way along 9th Street as part of the planning process, pending approval with Resolution No. 2020Rxxx on April 21, 2020.

X. Legal/Political Considerations:

Not Applicable.

XI. Alternatives/Options:

- *Accept Dedication*
- *Do nothing*

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

City staff recommends acceptance of the public Right-of-Way from Kurt W. Conner Family Trust and the Fort Lupton Fire Protection District for 9th Street.

ORDINANCE NO. 2020-xxxx

INTRODUCED BY:

A ORDINANCE OF THE CITY COUNCIL OF FORT LUPTON ACCEPTING THE KURT W. CONNER FAMILY TRUST AND FORT LUPTON FIRE PROTECTION DISTRICT PUBLIC RIGHT OF WAY DEDICATION FOR 9TH STREET LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING PART OF LOT 2, CONNER TRUST - FORT LUPTON FIRE PROTECTION DISTRICT MINOR SUBDIVISION PLAT, WELD COUNTY, COLORADO.

NOW THEREFORE BE IT RESOLVED that City Council hereby accepts said Dedication, and orders that the Instrument of Dedication be recorded in the Recorder's Office of the County of Weld, State of Colorado, and said described real estate is hereby declared open and dedicated pursuant to C.R.S. § 24-68-101, et seq..

WHEREAS, The Kurt W. Conner Family Trust and Fort Lupton Fire Protection District, have this day filed with the City of Fort Lupton, Colorado (the "City"), its dedication of certain real estate, which Dedication is hereinabove set forth:

AND WHEREAS, the City finds that said Dedication is desirable and necessary;

THIS RIGHT OF WAY IS CREATED AND GRANTED THIS 21ST DAY OF APRIL 2020.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 21st day of April 2020.

PUBLISHED in the Fort Lupton Press the 29th day of April 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this __ day of __ 2020.

PUBLISHED BY TITLE ONLY the ____ day of _____ 2020.

EFFECTIVE (after publication) the _ day of _ 2020.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

DEDICATION OF PUBLIC RIGHT OF WAY

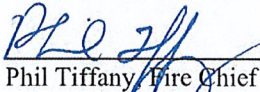
The undersigned being the fee simple owner of all the real estate described herein, for good and valuable consideration, does hereby grant and dedicate to the City of Fort Lupton, Weld County, Colorado, on and behalf of and for the public, for use as right-of-way for public purposes, the following described real estate situated in Weld County, Colorado, the portion of 9th Street right of way being dedicated is described as all of that portion lying between the existing northern edge of 9th Street ROW 20 feet wide, more particularly described on Exhibit A, and as shown on the sketch, attached hereto and made a part hereof.

This dedication is made subject to all existing easements and rights-of-way.

The Grantor hereby covenants that it is the owner in fee simple of the real estate, is lawfully seized thereof, and has the authority to grant and convey the foregoing right of way, and guarantees the quiet possession thereof, and that Grantor will warrant and defend the Grantee's title to the right of way hereby granted against all claims.

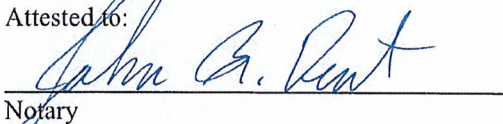
THIS RIGHT OF WAY CREATED AND GRANTED THIS ____ DAY OF _____, 2020.

FORT LUPTON FIRE PROTECTION DISTRICT, a Colorado Special District
As to Lot 1 of Kurt W. Conner Family Trust Created 1/7/2013 Minor Subdivision:



Phil Tiffany, Fire Chief

Attested to:

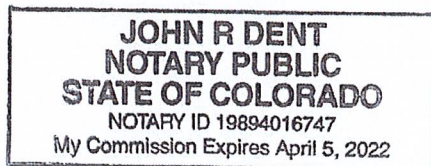


Notary

STATE OF COLORADO)
)SS.
COUNTY OF WELD)

Subscribed and sworn to before me this 3rd day of April, 2020 by Phil Tiffany,
Fire Chief, Fort Lupton Fire Protection District.

Witness my hand and official seal.





NOTARY PUBLIC

KURT W. CONNER FAMILY TRUST Created 1/7/2013:

Bradley S. Conner, Co-Trustee
Bradley S. Conner, Co-Trustee

Attested to:

Rachel Glaus
Notary

STATE OF TENNESSEE)
)SS.
COUNTY OF WILLIAMSON)

Subscribed and sworn to before me this 1st day of April, 2020 by Bradley S. Conner, Co-Trustee.

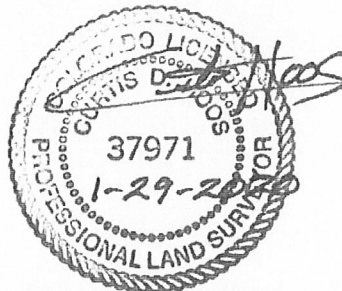
Witness my hand and official seal.

Rachel Glaus
NOTARY PUBLIC

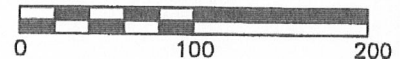


'EXHIBIT A'

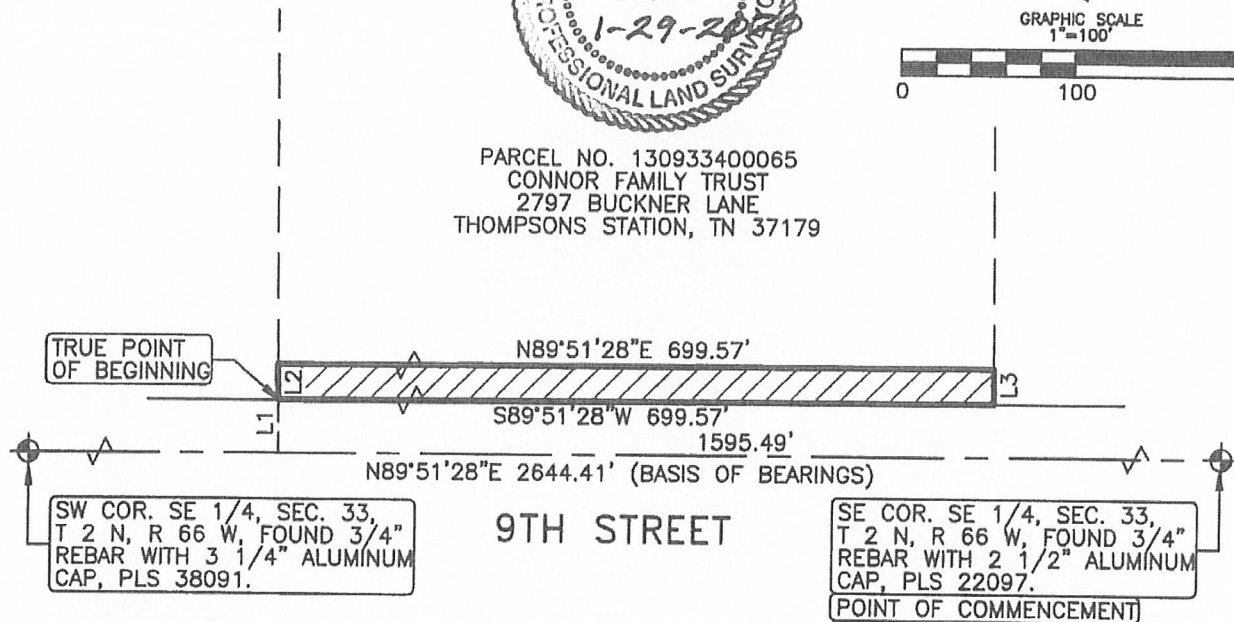
LINE	BEARING	DISTANCE
L1	N00°34'53"W	30.00'
L2	N00°34'53"W	20.00'
L3	S00°35'19"E	20.00'



GRAPHIC SCALE
1"=100'



PARCEL NO. 130933400065
CONNOR FAMILY TRUST
2797 BUCKNER LANE
THOMPSONS STATION, TN 37179



A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33 TO BEAR NORTH 89°51'28" EAST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE SOUTH 89°51'28" WEST, COINCIDENT WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 1595.49 FEET; THENCE NORTH 00°34'53" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED MARCH 10, 2015 AS RECEPTION NO. 4089095 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°34'53" WEST, COINCIDENT WITH THE WEST LINE OF SAID PARCEL, A DISTANCE OF 20.00 FEET; THENCE NORTH 89°51'28" EAST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 699.57 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°35'19" EAST, COINCIDENT WITH SAID EAST LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°51'28" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 699.57 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 13,991 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

NOTE: THIS DRAWING IS MEANT TO DEPICT THE ATTACHED DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. NOTE: THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

LEGEND:

⊕ ALIQUOT MONUMENT, AS NOTED.

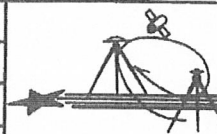
DRAWN BY: CDH

FIELD: CDH

PARCEL NO. 130933400065
CONNOR FAMILY TRUST

JAN. 29, 2020

PAGE 1 OF 1



American West
Land Surveying Co.
A Colorado Corporation

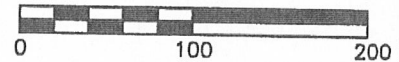
PO Box 129, Brighton, CO 80601 * P 303-659-1532 F 303-655-0575 * AMWESTLS.COM

'EXHIBIT A'

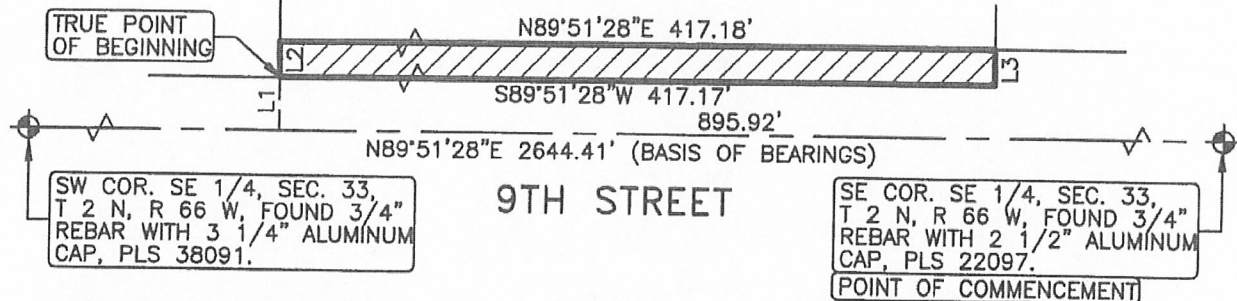
LINE	BEARING	DISTANCE
L1	N00°35'19"W	30.00'
L2	N00°35'19"W	20.00'
L3	S00°34'06"E	20.00'



GRAPHIC SCALE
1"=100'



PARCEL NO. 130933400062
FORT LUPTON FIRE PROTECTION DISTRICT
1121 DENVER AVENUE
FORT LUPTON, CO 80621



A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF FORT LUPTON, COUNTY OF WELD, STATE OF COLORADO DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33 TO BEAR NORTH 89°51'28" EAST, AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33, THENCE SOUTH 89°51'28" WEST, COINCIDENT WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 895.92 FEET; THENCE NORTH 00°35'19" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DEED RECORDED DECEMBER 13, 2004 AS RECEPTION NO. 3243249 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°35'19" WEST, 89°51'28" EAST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 33, A DISTANCE OF 417.18 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH 00°34'06" EAST, COINCIDENT WITH SAID EAST LINE, A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°51'28" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 417.17 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 8344 SQUARE FEET OR 0.19 ACRES, MORE OR LESS.

NOTE: THIS DRAWING IS MEANT TO DEPICT THE ATTACHED DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. NOTE: THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

LEGEND:

⊕ = ALIQUOT MONUMENT, AS NOTED.

DRAWN BY: CDH

FIELD: CDH

PARCEL NO. 130933400062
FORT LUPTON FIRE PROTECTION DISTRICT

JAN. 29, 2020

PAGE 1 OF 1



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